

MINUTES
BOARD OF ZONING APPEALS
February 11, 2020

The Wyoming Board of Zoning Appeals met on February 11, 2020 at 6:00 p.m. in the Council Chambers at the City Building. Mr. John Braun, Acting Chair, called the meeting to order at 6:00 p.m. Attendance was as follows:

MEMBERS:

John Braun, Acting Chair
Bob Kearns
Jeff LeRoy

ABSENT:

Jennifer Eismeier
Charlie Jahnigen

STAFF:

Megan Statt Blake, Community Development Director
Tana Pyles, Community Development Specialist

Minutes:

Mr. Kearns moved to approve the minutes of the January 14, 2020 meeting as written. Mr. LeRoy seconded the motion. By voice vote, all voted yes, the motion carried.

301 Linden Ridge, Case #2-20, Side Yard Setback Issue

Ms. Statt Blake provided the background. David and Jennifer Smith, the property owners, are requesting the Board's consideration of a variance request that would allow them to construct a detached garage in their side yard. The proposed garage includes attic storage/future office accessible by a pull-down stair. The topography of the property includes a steep downward grade from the Smiths at 301 Linden Ridge to the rear yard of 350 Pleasant Hill Drive. Due to this grade change, the foundation wall of the proposed garage has a sizeable exposure facing 350 Pleasant Hill, which causes the height above-grade of the garage to exceed 20 feet on this side, and thus increases the required setback. Section 1183.06(4) of the Zoning Code requires accessory buildings to have side and rear yards setbacks of 15 feet when the wall exceeds 20 feet in height above grade. As shown on the site plan, the Smiths are requesting a side yard setback of 2'-8", and thus are seeking a side yard variance of 12'-4". Ms. Statt Blake clarified that this is the dimension from the outside wall (southwest corner) of the proposed garage to the property line. The overhang of the southwest corner of the roof is proposed to sit at the property line.

Ms. Statt Blake displayed the street view of the property for the Members and added that there are no proposed changes to the driveway apron. She pointed out where the garage

addition would be sited on the property using the street view from CAGIS.

Mr. Braun commented that he believes there is an inconsistency on the drawings indicating that there are three existing trees that will need to be removed to make way for the garage however on the enlarged site plan drawing the notes indicate that there are two existing trees that will have to be removed. He asked clarification on which is correct. Mr. David Smith was present and explained that there are two trees that will need to be removed and that they are very small in size. He plans to replant new trees once the construction is completed.

Mr. Smith commented that he has been working with Rod Sidley on a design that would complement the neighborhood. The garage was designed with a hip roof to match the house. There is a steep embankment from the rear edge of the property down into a creek which is the reason the structure requires a sizeable foundation wall. The closest home to the proposed garage is at the end of Pleasant Hill Drive and the area between the homes is heavily wooded. The placement of the garage was moved slightly in order to avoid an existing sanitary sewer easement.

Mr. Kearns asked Mr. Smith for clarification if the proposal is for a two-car or one-car garage. Mr. Smith stated that the garage will be a small, two-car garage but it will likely only accommodate one car inside.

Mr. Kearns asked if any of the adjoining property owners on Pleasant Hill Avenue provided feedback. Ms. Statt Blake stated that she has not received any comments from the neighbors that were notified on Pleasant Hill Drive. She noted that she received feedback from the Lemasters' residence and their comments were shared with the Members. Mr. Smith indicated that he has shared his plans with his neighbors on Linden Ridge and all comments were positive.

Mr. Braun asked what type of foundation will be used for the new garage as it appears the nearest tree may be affected by it. Mr. Smith stated that the foundation will be a poured wall foundation and that he and Mr. Sidley talked regularly about the placement of the rear corner of the garage so as not to damage any tree roots.

Mr. Kearns commented that with the adjacent ravine and that the nearest neighbor is some distance away he believes that there will be no negative impact on the neighborhood. Additionally, the house is newer as are the trees, which is a plus.

There being no further questions or comments from the Members, Mr. Kearns moved to approve the request for variance as submitted. Mr. LeRoy seconded the motion. By roll call vote, 3-0, all voted yes, the motion carried.

743 Barney Avenue, Case #3-20, Side Yard Setback Issue

Ms. Statt Blake provided the background of the case. Kathryn and Bryan Patterson, the property owners, are requesting the Board's consideration of a variance request that will allow them to construct a two-story addition to their existing two-story home. This project came before the Board in 2018 and their variance requests were approved at that time. Since then, the applicants have modified their plans and reconfigured the layout of the addition. The proposed addition includes a two-car garage, mudroom, powder room, and deck on the first floor, and a master bedroom suite, laundry and reconfiguration of the second floor.

Section 1153.04(b) of the Zoning Code requires second story elements of homes located within the AAA, Single-Family Residence District to maintain a minimum side yard of not less than 15 feet. The proposed side yard setback to the southern property line is 9'-6" and projects into the required side yard by 5'-6". The existing two-story house is setback 9'-6" from the southern property line.

Members may recall that the applicant's prior submission showed a single car garage on the front of the house, however the revised plans are proposing a rear entry garage as part of the proposed addition. The proposed addition will provide a two car garage, additional first floor space and an additional bedroom on the second floor.

Ms. Statt Blake noted that none of the adjoining property owners have provided feedback prior to the hearing however one neighbor is in attendance as well as Sara Aschliman, the Patterson's architect.

Mr. Kearns commented that the drawings submitted with the application appear to be missing an east (front) elevation and he asked if this elevation has changed from the prior submission. Ms. Aschliman indicated that she did not include the east elevation as no changes will be made there. She added that with the prior submission, the garage and proposed addition would have been seen from the street. With the new proposal, all of the new elements will be located behind the house and will not be seen from the street, except for the side deck.

Ms. Aschliman added that the scope of the work proposed with this variance request is less than what was granted in 2018. The purpose of the project is to provide shelter and accessibility for the Patterson's daughter to enter and exit the home safely. The Pattersons plan to plant three new tree saplings in place of one old, larger tree that will need to be removed.

Mr. Dan and Mrs. Laurie Prior introduced themselves and stated that they live at 740 Springfield Pike which is directly behind the Patterson's home. Mr. Prior stated that he and

his wife have seen the plans and they have no issues with the proposal and are in enthusiastic support of it.

Mr. Braun asked Ms. Aschliman how many cars the Pattersons have. Ms. Aschliman stated that they have two cars and their children are young and will not be driving for some time.

Mr. Braun asked Ms. Statt Blake for clarification as to whether the previously granted variance has any bearing on the current request in any way. Ms. Statt Blake explained that essentially, the previously granted variance is void and the variance process begins over, as variances are tied to the specific request that is made. She explained that the Pattersons reached out to her to see if they could move forward with this revision and because the two plans were substantially different from each other, a new variance request is necessary. Once a variance is granted by the Board there is no expiration.

There being no further questions or comments, Mr. LeRoy moved to grant the request for a variance as submitted. Mr. Kearns seconded the motion. By roll call vote, 3-0, all voted yes, the motion carried.

Miscellaneous

Ms. Statt Blake confirmed that the Board will have a meeting on March 10 and there will be one case to hear.

Adjourn

There being no further business to discuss, Mr. LeRoy moved to adjourn the meeting. Mr. Kearns seconded the motion. By voice vote, all voted yes, the motion carried. The meeting adjourned at 6:30 p.m.

Respectfully submitted,

John Braun, Acting Chair

Debby Martin, Executive Assistant